

MAGISTRATE JUDGE ARNOLD

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

DENNIS A. STONE, a single man,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,  
JO ANNE BARNHART

Defendant.

**NO. C05-5311JKA**

**ORDER REVERSING AND  
REMANDING**

**ON THE STIPULATION OF THE PARTIES**, by and through their respective  
counsel, it is hereby

**ORDERED** as follows:

That the above-entitled action be reversed and remanded to the to the  
Commissioner of Social Security pursuant to sentence four of 42 U.S.C. § 405(g) for  
further administrative proceedings, including further development of the record, a new  
hearing and a new decision. On remand, the administrative law judge to which it is  
assigned shall:

1. Update medical evidence and further consider the opinions of Drs. Agunbiade and Zhu;
2. Obtain a comprehensive psychological examination of Plaintiff and determine whether his alleged depression is sever or non-severe and what limitations, if any, flow from his impairment;

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803-39th Avenue SW, Suite F  
Puyallup, WA 98373  
(253) 848-4581

3. Re-evaluate Plaintiff's credibility and further consider the statements of his lay witnesses;
4. Further consider the Plaintiff's residual functional capacity pursuant to SSR 96-8p; and
5. If necessary, consult with a vocational expert to determine whether Plaintiff can make an adjustment to other work existing in the national economy.

Upon proper presentation, this Court will consider Plaintiff's application for costs, expenses and attorney's fees under the Equal Access to Justice Act, 28 U.S.C. §2412(a),(d).

**DATED** this 26<sup>th</sup> day of October, 2005.

/s/ J. Kelley Arnold

U.S. MAGISTRATE JUDGE

Presented by:

Approved for entry without notice:

/s Douglas Kaukl

WSBA 4718

Pendergrass and Kaukl, Inc., PS

803-39th Avenue SW, Suite F

Puyallup, WA 98373

Telephone (253) 484-4581

Fax: (253) 841-1750

E-mail: DKAUKL@COMCAST.NE

s/Richard M. Rodriguez

RICHARD M. RODRIGUEZ

Special Assistant U.S. Attorney

Office of the General Counsel

701 Fifth Avenue, Suite 2900 M/S 901

Seattle, WA 98104-7075

Telephone (206) 615-3748

Fax (206) 615-2531

Richard.Rodriguez@sssa.gov